

Application No. 10/510,210

Atty Dkt. No. 4978-0101PUS1

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kazuo NISHIKAWA et al.

Application No.: 10/510,210

Confirmation No.: 4408

Filed: October 5, 2004

Art Unit: N/A

For: METHOD OF ESTIMATING ELIMINATION
OF MICROORGANISMS AND APPARATUS
FOR ESTIMATING ELIMINATION OF
MICROORGANISMS

Examiner: Not Yet Assigned

PETITION UNDER 37 C.F.R § 1.47(a)

RECEIVED

MS PETITION

18 JAN 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Legal Staff
International Division

Sir:

This petition is for Kazuo NISHIKAWA, Hisaharu YAGI, Yoshihiro SHIMIZU, Tetsuyuki OHTANI, and Hideo NOJIMA to make the application on behalf of themselves and Masato AOKI (the non-signing inventor).

1. Declaration

Attached is a Declaration listing the names, residences, citizenships, and last known addresses of all inventors. An Added Page is submitted for each non-signing inventor, signed by the remaining available inventors.

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2. Proof of the Pertinent Facts

Attached is a Statement of Facts in Support of Filing on Behalf of Non-signing Inventor by Nobuo SHIMIZU of the pertinent facts regarding the non-signing inventor. In this Declaration, Nobuo SHIMIZU sets forth that a diligent effort was made to reach Masato AOKI, but that Masato AOKI can not be reached to sign the Declaration.

3. Fee Payment (37 C.F.R. § 1.17(i))

- ☒ A check in the amount of \$200.00 is enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. This form is submitted in triplicate.

4. Last Known Address of the Non-Signing Inventor

c/o Kitasato Research Center of Environmental Science

15-1, Kitasato 1-chome, Sagamihara-shi

Kanagawa, 228-0829 JAPAN

A bona fide attempt is being made to comply with the provisions of 37 C.F.R. 1.47.

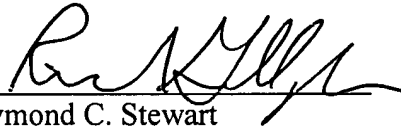
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

Dated: September 26, 2005

By  #28,781
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STATEMENT

Sharp Kabushiki Kaisha
22-22, Ngaike-Cho, Abeno-Ku, Osaka-Shi,
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Appliance Systems Group of 3-1-72, Kitakamei-Cho,
Yao-City, Osaka 581-8585, JAPAN
Appliance Systems Product Development Labs.
Manager: Nobuo Shimizu

1. I, as Manager of Appliance Systems Group/ Appliance Systems Product Development Labs. of Sharp Kabushiki Kaisha (hereinafter referred to as my company), have been engaged in intellectual property right affairs. I would like to explain hereunder about the point in question, i.e., the details why the signature of the inventor Mr. Masato Aoki cannot be obtained on the Declaration and Power of Attorney.

2. I joined my company in 1971 and have been consistently engaged in intellectual property right affairs. In the course of my involvement to the present US Patent Application titled "METHOD FOR EVALUATING ELIMINATION OF MICROORGANISMS AND APPARATUS FOR EVALUATING ELIMINATION OF MICROORGANISMS", I have chance to know well about the details why the signature of the inventor Mr. Masato Aoki cannot be obtained on the Declaration and Power of Attorney.

3. Details on "Impossibility for obtaining the inventor's sign on the Declaration and Power of Attorney":

The Inventor Mr. Masato Aoki was in good health and working at KITASATO RESEARCH CENTER OF ENVIRONMENTAL SCIENCE at the time of filing local patent applications and the subsequent PCT Application No. PCT/IB03/01250. After that, Mr. Aoki lost his health due to heart infarction in February 2004, and he is now in undergoing rehabilitation.

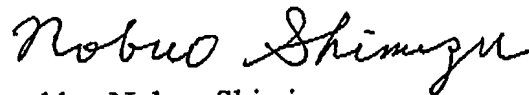
In the meantime, I had often contacted Mr. Aoki's family through KITASATO RESEARCH CENTER OF ENVIRONMENTAL SCIENCE, Mr. Aoki's place of employment, requesting Mr. Aoki's family to sign on the Declaration and Power of Attorney on behalf of Mr. Aoki.

- i) on September 6, 2004: requesting in writing for signing on the Declaration and Power of Attorney;
- ii) on September 9, 2004: requesting via e-mail for submitting a medical report proving the condition of Mr. Aoki; and
- iii) on June 22, 2005: requesting again via e-mail for signing on the Declaration and Power of Attorney.

In spite of my repeated requests as above, I have so far yet to receive any response from Mr. Aoki's family. Likewise, the issue of the requested medical report is refused by the relative clinic for reasons of protecting the individual information and the like.

Under the above circumstances, I consider it impossible to obtain Mr. Aoki's or the relative's sign on the Declaration and Power of Attorney with respect to US Patent Application No. 10/510,210.

This 8 day of September, 2005



Signed by: Nobuo Shimizu